

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 383 - Sexual Misconduct by Correctional Officer (LSB 1169 SV)  
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)  
Fiscal Note Version - New

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**Description**

Senate File 383 relates to sexual misconduct with offenders committed to the Department of Corrections (DOC) or a Community-Based Corrections (CBC) District Department. Under current law, if an officer, employee, contractor, vendor, volunteer, or agent of the DOC or CBC District Departments commits a sex act with an offender under the supervision of the corrections system, the penalty is an aggravated misdemeanor. Senate File 383 raises the penalty to a Class D felony.

**Factual Background**

1. On average, there are six offenders annually convicted of the current aggravated misdemeanor offense. Of these six offenders, one is sentenced to prison. The other five offenders receive some other sentence, such as probation. The person sentenced to prison will serve on average 6.1 months before being approved for parole.
2. Increasing the penalty to a Class D felony increases the length of stay in prison from 6.1 months to 24.3 months, for an increase of 298.4% in the average length of stay in prison.

**Assumptions**

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. The law will become effective July 1, 2005. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. Assuming current policies and practices remain stable, raising the penalty to a Class D felony will increase the incarceration rate to 50.0% of those convicted.

**Correctional Impact**

Two additional offenders will be sentenced to prison annually under SF 383. There will not be a significant correctional impact due to the low number of convictions and prison admissions. However, SF 383 will increase the prison population because of the significant increase in the average length of stay in prison.

**Fiscal Impact**

The additional cost to the State for the provisions in SF 383 is approximately \$32,000 annually. The additional costs are primarily due to the increase in the number of offenders sentenced to prison plus the increase in the average length of stay in prison.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Judicial Branch  
Office of the State Public Defender

/s/ Holly M. Lyons

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March 15, 2005

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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